SCIARRA & CATRAMBONE, LLC Jeffrey D. Catrambone (JC 2870) jcatrambone@sciarralaw.com 1130 Clifton Avenue Clifton, NJ 07013 (973) 242-2442 (973) 242-3118 [Facsimile]

Attorneys for Defendants Jeffrey Lancaster, Reynold Theriault, & Policemen's Benevolent Association Mainland Local 77 (pleaded as "Mainland Local PBA 77")

UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

CHRISTOPHER LEARY,

: CIVIL ACTION NO.

: 1:23-cv-04070-JHR-SAK

: TO DISMISS PLAINTIFF'S

: F.R.C.P. 12(b)(6)

Plaintiff,

VS.

EGG HARBOR TOWNSHIP POLICE DEPARTMENT, THE TOWNSHIP OF EGG : NOTICE OF MOTION HARBOR, MAINLAND LOCAL PBA #77, NEW JERSEY STATE ASSOCIATION OF : COMPLAINT IN LIEU OF CHIEFS OF POLICE, STATE OF NEW : ANSWER PURSUANT TO JERSEY, MICHAEL HUGHES, individually and acting under color of law, WILLIAM NALLY, individually and acting under color of law, JEFFREY LANCASTER, individually and acting under : Oral Argument Requested color of law, REYNOLD THERIAULT individually and acting under color of law, DONNA L MARKULIC, individually and acting under color of law, JOHN and JANE DOES 1-10, ABC CORPORATIONS, and XYZ STATE ENTITIES.

Defendants.

TO: Phyllis Widman, Esq. Widman Law Firm, LLC 2000 Shore Road - Suite 201 Linwood, New Jersey 08221 Attorney for Plaintiff

PLEASE TAKE NOTICE that Defendants Jeffrey Lancaster, Reynold Theriault, & Policemen's Benevolent Association Mainland Local 77 (pleaded as "Mainland Local PBA 77") (collectively, "Defendants"), pursuant to Rule of Civil Procedure 12(b)(6) moves herein for an Order from the Court dismissing Plaintiff's Complaint in lieu of an answer for failure to state a claim upon which relief can be granted.

PLEASE TAKE FURTHER NOTICE that Defendant shall rely upon the Brief and Certification of Counsel with exhibits filed herewith.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Civil Rule 78.1, Defendants respectfully request oral argument.

Respectfully submitted,
Sciarra & Catrambone, LLC
Attorneys for Defendants Mainland
Local PBA #77, Lancaster &
Theriault

By: /s/ Jeffrey D. Catrambone (JC 2870)

Dated: October 5, 2023